

REMARKS

Claims 1-3 and 5-15 are pending in this Application. Claims 4 and 16 have been previously canceled without prejudice. In the Office Action mailed October 25, 2006, the Examiner requested the claims be restricted to one of the following inventions:

- I. Claims 1, 5, 6 and 12-15 drawn to synthetic microspheres (class 428, subclass 32.71);
- II. Claims 2, 3, 7, 8 and 9 drawn to cement plus microspheres (class 106, subclass 705); and
- III. Claims 10 and 11 drawn to an aluminosilicate additive plus microspheres which has use as building material (class 501, subclass 32).

Applicants respectfully address the basis for the Examiner's restriction below.

Restriction/Election

On page 2 of the Office Action, the Examiner requested the Application be restricted to one of three inventions as identified above. Applicants hereby provisionally elect Group I - Claims 1, 5, 6 and 12-15 drawn to synthetic microspheres (class 428, subclass 32.71). Claims 2, 3 and 7-11 have been withdrawn and will be cancelled upon the filing of a divisional application.

With this Amendment, Applicants also respectfully submit amended Claim 5, amended as to matters of form which introduces

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AMENDMENT AND RESPONSE
APPLICATION NO. 10/648,009

6

no new matter. Applicants respectfully request entry and allowance of the claims as provided herein.

CONCLUSION

Applicants respectfully submit that the Application is in condition for allowance, and pursuant to the filing of this Amendment, Applicants earnestly seek allowance of Claims 1, 6, 12-15 and amended Claim 5 as provided in the Listing of Claims beginning on page 3 of this paper. Should the Examiner have questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants' representative at 214.999.4330. Applicants, through their representative, stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

To the extent that any further fees are required during pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP and reference Attorney Docket No. 129843-1104. In the event that any additional time is needed for this filing, or any additional time in excess of that requested in a petition for an extension of time, please consider this a petition for an extension of time for any needed extension of time pursuant to 37 C.F.R. § 1.136 or any other section or provision of Title 37. Applicants respectfully request that the Commissioner grant any such petition and authorize the Commissioner to charge the Deposit Account

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AMENDMENT AND RESPONSE
APPLICATION NO. 10/648,009

8

referenced above. Please credit any overpayments to this same
Deposit Account.

This is intended to be a complete response to the Office
Action mailed October 25, 2006.

**Please direct all correspondence to the practitioner listed
below at Customer No. 60148.**

Respectfully submitted,

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